

## REMARKS/ARGUMENTS

Applicant respectfully requests copies of Applicant's Art Citation forms, submitted along with a Submission dated June 22, 2004 and the application filed on December 11, 2003, initialed and signed by the Examiner along with the next Office Action, since Applicant has not received those forms to date. Copies of the Applicant's Art Citation forms in question are enclosed herewith for the reference of the Examiner.

Claims 23-46 were rejected under 35 U.S.C. §102(a) as being anticipated by Musikka, US2003/0012154. Reconsideration of the rejection is respectfully requested.

Independent claims 23, 31, 32, and 40-46 provide that a base station source controller or a plurality of base station resource controllers perform control dependent on the radio transmission scheme. The Examiner alleges that this feature is found in Musikka, citing paragraphs [0030], [0044]-[0045], and [0067]-[0074]. However, it is respectfully submitted that the equivalent in Musikka of the base station resource controllers in the independent claims is the base station controller (BSC) in a Global System for Mobile Communication (GSM) network, (paragraph [0004], lines 2, 7-8; paragraph [0005], lines 1-2), and a radio network controller (RNC) in a universal mobile telephony system (UMTS), (paragraph [0024], lines 4-7; paragraph [0025]; paragraph [0026], lines 6-8). Even though the RNC and the BSC are in two different radio transmission schemes, namely the UMTS system and the GSM system, respectively, their control plane is terminated in a radio network server (RN Server), (paragraph [0030], lines 3-7), the RN Server being connected to an Internet protocol base station system, (paragraphs [0004], lines 3-6; [0007]; [0008], lines 1-2; [0010], lines 1-2).

Thus, it appears that Musikka teaches the use of base station resource controllers that perform a control independent of the radio transmission scheme, contrary to the requirement of the independent claims requiring that the base station resource controllers perform the control dependent on the radio transmission scheme.

Furthermore, independent claims 23, 31, and 41-43 provide that a terminal resource controller, that performs a control independent of a radio transmission scheme, manages a plurality of base station resource controllers performing control dependent on the radio transmission scheme, and independent claims 32, 40, and 44-46 provide that a plurality of

terminal resource controllers, that perform a control independent of a radio transmission scheme, manage a base station resource controller performing control dependent on the radio transmission scheme. The Examiner indicates that the “terminal resource controller that performs a control independent of a radio transmission scheme,” (Office Action, page 2, paragraph 3, lines 3-4), is equivalent to the “user plane for both GSM and UMTS ... implemented in a common Media Gateway,” (Office Action, page 2, paragraph 3, lines 4-5), in Musikka.

However, there is no teaching, disclosure, or suggestion that the user plane for both GSM and UMTS implemented in a common Media Gateway (MGW) manages the BSC and the RNC, previously shown to be the equivalent in Musikka of the base station resource controllers in the independent claims. Such management by the MGW of the RNC and the BSC would be necessary for Musikka to provide an analog to the feature of independent claims 23, 31, and 41-43 that a terminal resource controller manages a plurality of base station resource controllers, and the feature of independent claims 32, 40, and 44-46 that a plurality of terminal resource controllers manage a base station resource controller.

Moreover, it is respectfully submitted that Musikka appears to teach away from any notion of the MGW managing the RNC and the BSC since it states, “[t]he IP-based GSM and UMTS system according to the present invention takes advantage of a server-gateway split of the MSC, RNC (UMTS) and the BSC (GSM). Specifically, according to the invention, the control plane of the MSC is terminated in a MSC Server, the control plane of the RNC/BSC is terminated in an RN Server, and the user plane for both GSM and UMTS is implemented in a common Media Gateway (MGW),” (paragraph [0044], lines 1-8; emphasis supplied). Although all RN Servers can communicate with all MGWs, (paragraph [0072], lines 1-2), there is no teaching, disclosure, or suggestion in Musikka of the management of the RNC and the BSC by the MGW.

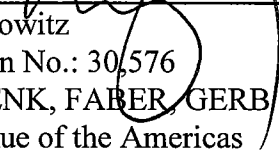
Since each of claims 24-30 and 33-39 is directly or indirectly dependent upon one of independent claims 23 and 32, each of claims 24-30 and 33-39 is allowable over Musikka for the same reasons recited above with respect to the allowability of independent claims 23 and 32 over Musikka.

In view of the foregoing remarks, allowance of claims 23-46 is respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
TRADEMARK OFFICE EFS FILING  
SYSTEM ON July 12, 2007.

MM/MIM:lac



---

Max Moskowitz  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

<b>APPLICANT'S ART CITATION</b> (Use several sheets if necessary)	Application	OFGS File No. P/1878-186
	Applicant Masanori TAKETSUGU	
	Filing Date	Group Art Unit

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date MM-YYYY	Name	Class	Sub-class	Filing Date If Appropriate
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM-YYYY	Country	Class	Sub-class	Translation	
						Yes	No
	11-113071	04-1999	Japan				X
	2001-177564	06-2001	Japan				X
	WO 99/52307	10-1999	PCT			X	
	WO 00/11878	03-2000	PCT			X	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		English translation of Abstract for Japanese Patent Laid Open Gazette No.
		113071/1999 dated April 23, 1999
		English translation of Abstract for Japanese Patent Laid Open Gazette No.
		177564/2001 dated June 29, 2001
		Mobile Wireless Internet Forum (MWIF) "Open RAN Architecture in 3 <sup>rd</sup> Generation
		Mobile Systems Technical Report MTR-007" v1.0.0 (12 June 2001)

Examiner	Date Considered
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

COPY

<b>APPLICANT'S ART CITATION</b> (Use several sheets if necessary)	Application <b>10/735,193</b>	OFGS File No. <b>P/878-86</b>
	Applicant <b>Masanori TAKETSUGU</b>	
	Filing Date <b>December 11, 2003</b>	Group Art Unit <b>2681</b>

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date MM-YYYY	Name	Class	Sub-class	Filing Date If Appropriate
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					
	US-					

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM-YYYY	Country	Class	Sub-class	Translation	
						Yes	No

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		Search Report from European Patent Office dated April 21, 2004 issued in connection with corresponding European Patent Application No. 03028763.5
		Mobile Wireless Internet Forum, <i>OpenRAN Architecturs in 3<sup>rd</sup> Generation Mobile Systems Technical Report MTR-007</i> , Release v1.0.0 dated 9/4/01, pages 1-64, XP-002221482
		IEEE Communications Magazine, May, 2002 <i>OpenRAN: A New Architecture for Mobile Wireless Internet Radio Access Networks</i> , J. Kempf, et al, pages 118-123, XP-001129447

Examiner	Date Considered
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.